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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic reports of States parties due in 1989

Addendum

CANADA */

[25 January 1990]

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*/ For the eighth and ninth periodic reports submitted by the Government of Canada and the summary records of the meetings of the committee at which those reports were considered, see:

Eighth periodic report - CERD/C/132/Add.3 (CERD/C/SR.778 and SR.781);
Ninth periodic report - CERD/C/159/Add.3 (Pending consideration).

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Introduction

1. The present report is the tenth submitted by Canada under the terms of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. In accordance with the recommendation of the 11th Meeting of States parties to the Convention and the decision adopted by the Committee on the Elimination of Racial Discrimination that, as a general practice, "after the submission of initial comprehensive reports to the Committee, States parties would submit further comprehensive reports on every second occasion thereafter, when reports were due, i.e. every four years, and that they would submit brief updating reports on each intervening occasion when reports were due under the Convention" 1/ and as directed by the Secretary-General in his note G/SO 227/2 (2) of 22 March 1989, the present report has been prepared as a mere update of the ninth report submitted in 1988 (CERD/C/159/Add.3) and which is pending consideration by the Committee. For a complete picture of the state of implementation of the Convention in Canada, the ninth report as well as the eight other reports submitted since 1971 should be consulted.

3. Since Canada is a federal State comprising 10 provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan) and two territories (Northwest Territories and Yukon), measures adopted by all Governments need to be examined. Consequently, all parts of Canada's ninth report were reviewed and information contained herein updates, where necessary, the relevant sections of that report.

4. The information is presented mainly in the form of updates to the relevant paragraphs of the ninth report.

PART I. GENERAL

Paragraphs 5-7 of the ninth report: Court cases on section 15 of the Canadian Charter of Rights and Freedoms

5. On 2 February 1989, the Supreme Court of Canada issued its first decision on the equality provisions of section 15 of the Canadian Charter of Rights and Freedoms. In The Law Society of B.C. et al. v. Andrews et al., the Court described "discrimination" as "a distinction, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society". On this basis, the Court concluded that the requirement of Canadian citizenship in the Barristers and Solicitors Act in order to join the British Columbia bar infringed the rights guaranteed by section 15 and was unconstitutional.

Paragraph 8: Intergovernmental co-operation

6. Federal, provincial and territorial ministers responsible for human rights held their fifth ministerial conference in September 1988. Among other things, the ministers exchanged views and agreed on joint action on human rights education and on the Second Decade to Combat Racism and Racial Discrimination. The ministers reaffirmed their support for the Second Decade and agreed:

(a) To recognize 21 March, the "International Day for the Elimination of Racial Discrimination" within their jurisdictions;

(b) To act individually and collectively to improve police-minority relations;

(c) To support the adoption, by each Government, of guidelines for the depiction of minorities in its communications.

Paragraph 9: Human Rights Day activities

7. A large number of activities took place in Canada during 1988 and, in particular, on Human Rights Day, 10 December 1988, to mark the fortieth anniversary of the Universal Declaration of Human Rights. A detailed report has been submitted to the United Nations. Copies of that report will be made available to members of the Committee on the Elimination of Racial Discrimination.

READEX FICHE

PART II. UPDATE OF INFORMATION ON MEASURES ADOPTED BY THE FEDERAL, PROVINCIAL AND TERRITORIAL GOVERNMENTS

A. Federal Government

Paragraph 17

8. The International Day for the Elimination of Racial Discrimination (21 March) was marked by numerous activities in 1989, including a national public education campaign. In his speech launching Canada's observance of this Day, the Minister of State for Multiculturalism and Citizenship paid tribute to the groups and individuals who devote their energies to overcome racism and discrimination, encouraged Canadians to use existing mechanisms to challenge acts of discrimination, promised increased efforts on behalf of the Government of Canada to fight racism, released a document outlining the directions the Government would take, including public education and support to the voluntary sector, and reiterated his Government's intention to establish a Canadian Race Relations Foundation.

Paragraph 20: Canadian Multiculturalism Act

9. The Canadian Multiculturalism Act was passed unanimously by both Houses of Parliament and entered into force on 21 July 1988. The Act recognizes that multiculturalism is a fundamental characteristic of Canadian society and that its diversity constitutes an invaluable resource in the shaping of Canada's future. Building on the equality and multiculturalism provisions of the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act, and international agreements on human rights (including the International Convention on the Elimination of All Forms of Racial Discrimination), and in harmony with the Official Languages Act, the Act sets out the multiculturalism policy of the Government of Canada as a policy "designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada".

10. The Act requires federal institutions to take specific action to implement the multiculturalism policy and it assigns to the Minister of State for Multiculturalism and Citizenship general responsibilities for ensuring a co-ordinated cross-government approach to the implementation of the policy. The Minister also has a specific mandate in implementing the policy. This involves the administration of the multiculturalism programmes within his own Department as well as the development of special government initiatives related to multiculturalism, and arrangements with other Governments to further the implementation of the policy.

11. The first annual report on the operation of the Act, which will cover the fiscal year 1988/89, is expected to be tabled in Parliament early in 1990.

Paragraphs 23-26: Aboriginal matters

12. With regard to paragraph 23, measures continue to be adopted to protect and advance the special position of the Aboriginal peoples in Canadian society.

13. As mentioned in paragraph 24 of the ninth report, the Government of Canada remains committed to achieving a constitutional amendment on Aboriginal self-government. In addition, the Government continues to assist Aboriginal communities to achieve greater control over their affairs within existing constitutional arrangements. This process is not intended as a substitute for constitutional entrenchment of self-government, but as a complement to constitutional discussions. As of 1 June 1989, the Department of Indian Affairs and Northern Development had received a total of 121 community-based self-government proposals. In addition, on 23 May 1989, the Alexander Tribe (Alberta) and the Minister of Indian Affairs and Northern Development signed a framework agreement which, through negotiations, may lead to a renewed relationship and new tribal government arrangements for the Alexander community.

14. Under the revised comprehensive land claims policy, as described in Canada's ninth report (para. 25), Canada has reached settlement agreements-in-principle with the Council of Yukon Indians and the Dené-Métis of the Northwest Territories. In addition, an agreement-in-principle with the Tungavik Federation of Nunavit in the eastern Arctic is expected to be finalized in the very near future. Elsewhere, framework agreements have been signed with the Conseil Attikamek Montagnais of Quebec and with the Nisga'a Tribal Council of British Columbia. The Government of Canada is also negotiating a framework agreement with the Labrador Inuit Association and the Newfoundland provincial Government.

15. As a result of the amendments brought to the Indian Act in 1985 to remove sexual discrimination and reinstate persons who had lost Indian status under the Act, by July 1989 the Department of Indian Affairs and Northern Development had received applications representing 118,000 persons, and about one-half have so far been registered as status Indians. In September 1988, the Parliament further amended the Indian Act (Bill C-150) to correct an oversight in the 1985 amendment, so that now the date of death of a parent does not affect entitlement to registration.

Article 2

Paragraphs 28-29

16. A new Employment Equity Programmes Exclusion Approval Order was enacted in 1988, replacing the Order mentioned in the ninth report. The Order will facilitate the appointment of members of visible minority groups, aboriginal peoples, disabled persons and women to certain positions in the Public Service by excluding such persons and specific positions from the operation of certain provisions of the Public Service Employment Act.

17. Mention was made in the ninth report of the voluntary identifier added to the application forms for employment in the Public Service of Canada. All Public Service application forms have now been revised to allow for the voluntary self-identification of members of all four designated groups: members of visible minority groups, Aboriginal peoples, disabled persons and women. Also, increased opportunities for self-identity are being provided throughout the employment processes to permit greater access to the benefits of the employment equity programmes.

Paragraph 32: Implementation of employment equity

18. As required under the Employment Equity Act, federally regulated employers and Crown corporations have filed statistical reports on their implementation of employment equity.

19. The 368 reports submitted in June 1988 for the year 1987 were reviewed by the Canadian Human Rights Commission in the summer of 1988. Analysis of the employment data led the Commission to invite 19 employers, including five federal departments, to engage in detailed reviews of their employment systems. Seventeen employers agreed to do so. In July 1989, the Commission initiated complaints of discrimination against the two employers who refused the invitation: Bell Canada, a telephone company; and the Canadian Broadcasting Corporation, a radio and television network. The investigation of these complaints is proceeding.

20. In June 1989, 374 employment equity reports for the year 1988 were received and analysed by the Employment and Immigration Commission and were referred to the Canadian Human Rights Commission for review.

21. The Employment and Immigration Commission has developed its own process to assess the extent to which employers subjected to the Act are achieving employment equity. Employers are individually assessed and ranked, by sector, on the basis of indicators which reflect different aspects of employer performance for each of the designated groups. The ranking assigned to each employer forms an important aspect of the Minister's annual report to Parliament and is available to the public for review.

22. The Employment and Immigration Commission regularly uses special events, such as the International Day for the Elimination of Racial Discrimination, to promote employment equity principles and concepts.

Article 3

Paragraphs 35-39: Opposition to apartheid

23. The Government of Canada continues to exert pressure on the Government of South Africa to dismantle apartheid, particularly through the application of economic sanctions, in concert with other members of the Commonwealth.

Article 4

Paragraphs 41, 43-44

24. In the case of John Ross Taylor, the appeal to the Supreme Court of Canada was heard in December 1989, in conjunction with the cases of James Keegstra, Donald Andrews and Robert Smith. The Government of Alberta was appealing the decision of the Alberta Court of Appeal which quashed James Keegstra's conviction. Donald Andrews and Robert Smith were appealing their convictions and sentences which had been upheld by the Ontario Court of Appeal. The Supreme Court reserved judgement in all three cases.

Paragraphs 42 and 138

25. On 11 May 1988, Ernst Zundel was convicted of spreading false news in a new trial held before the Ontario District Court. He appealed his conviction to the Ontario Court of Appeal. The decision of this latter court is still pending.

Paragraph 47: Prosecution of alleged war crime perpetrators

26. At the time of preparing this report the trial of Imre Finta was under way in the Ontario Supreme Court. Also, in December 1989, a second person, Michael Pawlowski, was charged with war crimes for the murder of 80 Polish persons and 410 Jewish persons in 1942. A trial date has yet to be set.

Article 5

Paragraph 49: Official languages policy renewal

27. The new Official Languages Act was assented to on 28 July 1988. Sections 1-93 and 96-110 came into force on 15 September 1988 and section 95 on 1 February 1989.

Article 6

Paragraphs 54-55: Native judicial programmes

28. The Correctional Service of Canada is implementing the recommendations of the Task Force report on Aboriginal Peoples in Federal Corrections released by the Solicitor General in March 1989, which expanded the programmes described in paragraphs 54 and 55 of the ninth report. Also, the Correctional Service is working with the National Parole Board to improve the acceptance rate for parole applications from Native offenders and to develop improved post-release supervision and residential care for Native offenders on parole.

29. During the summer of 1989, the existing Aboriginal Policing Section of the Royal Canadian Mounted Police (RCMP) was expanded to a directorate under an assistant commissioner to help ensure that Aboriginal issues relating to the RCMP are properly addressed. In the fall of 1989, a major study of Aboriginal policing was completed following interviews with over 100 Native leaders across Canada to identify needs and concerns. Commencing in 1990, each RCMP division has been directed to hold a conference to address regional concerns related to Aboriginal policing. In addition, a National Advisory Committee is being established to provide the RCMP with a national overview of the planned objectives of Aboriginal leaders.

Article 7

Paragraphs 56-58

30. The Government continues to operate educational programmes and to support educational activities of non-governmental organizations as explained in the ninth and other reports.

B. Provincial Governments

ALBERTA

31. The present report is an update of the information on Alberta contained in Canada's ninth report. It covers the period between October 1987 to date. The information is presented in the form of updates on new developments with respect to the articles of the Convention previously responded to.

Article 2

Paragraphs 60-64

32. For a comprehensive report of programmes related to policing in a multicultural society, see the report on this topic recently submitted to the Secretariat of the intergovernmental Continuing Committee of Officials on Human Rights. */

Article 7

Paragraphs 65-66

33. See the Alberta report on the teaching of human rights **/ recently submitted to the Continuing Committee Secretariat.

Paragraph 67

34. To improve access by Native people to post-secondary education, an interdepartmental task force has been created. This task force meets with Native students, parents, educators and administrators to identify the transition needs of Native students and make recommendations to the Alberta Department of Advanced Education.

Paragraph 69

35. In conjunction with federal government funding, over 50 community-based literacy projects have been introduced to meet identified community needs.

BRITISH COLUMBIA

36. The Government of the Province of British Columbia issued a proclamation designating 21 March 1989, as "International Day for the Elimination of Racial Discrimination", recommitting the Government to ongoing vigilance with regard to manifestations of racism by enforcement of the Human Rights Act of British Columbia and other anti-discrimination legislation, as well as through public education programmes by the Council of Human Rights to heighten awareness of the importance of racial tolerance.

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*/ This report will be submitted separately as reference material.

**/ Idem.

37. On 21 March, 1989, the Minister of Labour and Consumer Services made a public announcement reaffirming the Province's commitment to increased racial understanding and acceptance.

Article 2

Paragraphs 75-77: Aboriginal issues

38. The Government of British Columbia has recently established a Ministry of Native Affairs. This Ministry has the following goals: forming good working relationships between Native people and the provincial government, encouraging Native economic development, negotiating with Indian bands seeking self-government, and resolving problems between Native people and the provincial government. Among the programmes of the Ministry, the First Citizens' Fund provides grants and loans to Native people for social, educational or business purposes. In the current fiscal year, $1 million is available for business loans, which are 50 per cent repayable. Another programme, funded through the Ministry of Labour and Consumer Services, is an off reserve community action and awareness programme to curb alcohol and drug abuse among Native people. The Government has also announced a First Peoples' Heritage, Culture and Language Centre, which is currently being planned by an advisory committee.

39. The Ministry of Education has an Indian Education Advisory Committee which is developing a long-term plan for Indian education, which will ensure that Native children retain and preserve their linguistic and cultural heritage.

40. Another area of review was included in a recent report of a provincial Justice Review Committee which recommended a number of changes to make justice more accessible to Native people. An interministry Steering Committee on Native Justice Issues has been established and is undertaking 22 consultations with Native groups throughout the province to improve the delivery of justice services.

Multicultural policing

41. The Ministry of the Solicitor General has a provincial Committee on Police and Minority Relations which was established in 1986. This committee is made up of police representatives as well as members of visible minority groups. The committee has two goals: (a) to improve relations between police and visible minorities in order to increase community responsiveness and police effectiveness; (b) to reduce the level of youth involvement in ethnic gang-related crime.

Article 7

Paragraph 81: Human rights curriculum

42. In September 1989, the British Columbia Council of Human Rights published a Human Rights Curriculum Unit for use in the province's grade 11 social studies and grade 12 law curricula. The unit encourages students to assess critically their own biases and recognize the importance of treating persons as individuals rather than stereotyping them. The unit also focuses on

various types of discrimination and includes information on the British Columbia Human Rights Act. The unit, which consists of a teacher's manual and student handbooks, is self-contained and provides teachers with case studies on discrimination. It has been extensively reviewed and field-tested throughout the province with positive results.

MANITOBA

Article 2

Paragraph 91

43. The Employment Counselling and Support Services Branch provides a wide range of services to visible minorities and other affirmative action target group members. Four hundred persons attended group workshops and over 900 received individual counselling to assist them to obtain employment in the civil service.

44. The Development and Training Branch offers special educational programmes for government personnel on cross-cultural issues and other topics in support of affirmative action.

Article 5

Paragraphs 92-93

45. In 1989, the Government doubled the funding for the programmes of recognition and support services for newcomers, two programmes which assist immigrants in obtaining employment opportunities and settlement services.

46. The Government of Manitoba established an Aboriginal justice inquiry in response to allegations that the Aboriginal population faced prejudice and/or misunderstanding in its dealings with law enforcement agencies and the civil and criminal courts. The inquiry, funded by the Government, has a broad mandate to investigate all aspects of the justice system as it relates to Aboriginal peoples. It has held public hearings and received briefs.

47. Legal Aid Manitoba has introduced a project using paralegals to increase access to the justice system for Native people in four remote northern communities.

Article 6

Paragraph 88

48. Following are the statistics on complaints of violations of human rights legislation in Manitoba during the two years covered in this report. In 1987, 18 per cent of complaints (79 in all) were based on race or colour, while in 1988, 16 per cent of complaints (49 in all) had that basis. Nationality and ethnic or national origin were the basis of 16 per cent of complaints (71 in all) in 1987, and of 6 per cent of complaints (18 in all) in 1988.

49. Finally, new legislation was proclaimed on October 1, 1988: the Discriminatory Business Practices Act, which seeks to prevent discrimination

in secondary or tertiary boycotts (for example, to refuse to engage in business with a person) in business practices, based on, among other factors, ethnic or racial origin. More details will be given in the next report.

Article 7

Paragraph 94

50. The Winnipeg Number One School Division, the largest in the province, implemented during the period of this report a task force on race relations as they relate to schools and schooling in the division. The task force's report, which includes recommendations for changes within the administrative and educational practices of the division, is now being considered.

Paragraph 98

51. A human rights journalism award, co-sponsored with the Winnipeg Press Club, Ltd., was presented in its first two years for television and newspaper stories related to Aboriginal human rights issues. In the second year, 1988, the Winnipeg Free Press won the award for a special supplement, Indians: Strangers in their own land.

NEWFOUNDLAND

52. This submission updates to September 1989 the information contained in previous reports.

Article 2

53. In 1988, the Newfoundland Human Rights Code, R.S.N. 1970, c. 262, was replaced by the Human Rights Code, 1988, S.N. 1988, c. 62. The legislation continues to offer protection against discrimination on the basis of race, colour or ethnic, national or social origin.

54. The Human Rights Commission has received very few complaints alleging discrimination on the basis of race. One complaint was filed in 1987, and one in 1988. Both were dismissed because the Commission did not find reasonable cause to believe discrimination had occurred.

Native people

55. In 1987, the Government of Newfoundland and Labrador announced a land claims policy to address the claims of Native peoples who could demonstrate Aboriginal use and occupancy of land and renewable resources. The provincial and federal governments are currently engaged in tripartite land claims negotiations with the Inuit of Northern Labrador. Further, in order to address concerns with respect to ensuring the development and protection of Native people, the federal and provincial governments have entered into formal funding agreements to augment programmes and services in Labrador Native communities.

56. In order to increase the number of Native persons qualified as teachers, Memorial University of Newfoundland offers a two-year diploma course which qualifies graduates to teach in the province. Funding is provided under the

federal-provincial Native Peoples Agreement. Some of the courses are taught on the Labrador coast in order to make them more accessible to members of the Native community.

57. The population of Native persons in the province should be revised from 2,500, as indicated in paragraph 116 of the eighth report, to approximately 6,000. It appears that the large increase in a short time is related to reliance for statistical purposes on self-identification as Native persons.

Article 7

58. In 1987, six school boards conducted a pilot project in grades 4 and 6 to test a curriculum unit on the topic of human rights. As a result of the pilot project, human rights topics, including discrimination on the basis of race, are being incorporated in a new text being developed for use in the grade 6 social studies programme.

59. Human rights concepts are currently incorporated in the social studies course taught in grade 7. The course involves a study of various cultural groups, and issues such as prejudice and rights of minority groups are considered. These issues are expanded upon in grade 8.

60. At the senior high school level, four courses deal with human rights issues. At level I (grade 10), the "Canadian issues" course includes a unit on human rights in Canada. While the focus is on the current situation in Canada, consideration is also given to human rights in other parts of the world. At level II (grade 11), human rights issues are incorporated in both the "Democracy" and the "Canadian law" courses. The focus is the Universal Declaration of Human Rights, with particular emphasis on its application in Canada. At level III (grade 12), the "World problems" and "World history" courses deal with current events. Human Rights issues constitute an integral part of these courses.

NOVA SCOTIA

61. In March 1989, the Premier of Nova Scotia made a proclamation on the International Day for the Elimination of Racial Discrimination during a ceremony organized by the Human Rights Commission in the presence of representatives from all sources of the province. Attached is a copy of the Proclamation (see annex I below). Likewise, the mayors of Halifax, Dartmouth and Bedford also proclaimed 21 March as the International Day for the Elimination of Racial Discrimination.

62. The Multiculturalism Act was passed in June 1989. Its purpose is to promote multiculturalism in Nova Scotia by encouraging "a multicultural society as a mosaic of different ethnic groups and cultures" who will live in harmony with one another.

63. The Multicultural Council of Nova Scotia sponsored two conferences, in the spring and fall 1989, to examine the multicultural realities and needs of Atlantic Canada.

Paragraph 102

64. From 1 April 1988 to 31 March 1989, 66 complaints of discrimination based on race, colour, or ethnic or national origin were investigated by the Nova Scotia Human Rights Commission, that is, 41.8 per cent of all complaints received by the Commission.

Article 2

Paragraph 105

65. The Royal Commission of Inquiry investigating the wrongful conviction for murder of Donald Marshall Jr. and the criminal justice system in Nova Scotia is expected to produce its report in January 1990.

Paragraph 106

66. The Metropolitan Immigrant Settlement Association continues to carry out its orientation and assistance programmes for all immigrants. In addition, it has a job re-entry programme for immigrant women providing basic language and job training, including job search skills.

Article 7

Paragraph 107

67. The Department of Education continues its work in co-operation with other government departments and ethno-cultural groups, e.g. the Joint Human Rights and Education Committee, in many areas, including multicultural services and teacher training. Its programmes include the Education Incentive Fund for black students and Micmac Language Courses and Issues. The Department has also provided financial support to enable the Black Educators Association to develop programmes for the promotion of opportunities for Nova Scotia Black students.

68. The Department of Advanced Education and Job Training has literacy facilitators to address the needs of minority groups. Staff have been hired to work with Black people and Micmac people.

Paragraph 109

69. The Maritime School of Social Work is continuing its programmes to promote cross-cultural understanding.

Paragraph 110

70. In February 1989, the Halifax Count-Bedford District School Board announced the formation of four committees to promote cross-cultural understanding. The committees target four areas as crucial to successful activity within the school system: parental involvement, the curriculum, staff development and student activity.

Paragraph 111

71. From October 1988 to October 1989, the Nova Scotia Human Rights Commission organized and conducted six human rights school conferences. In addition, members of the Commission carried out numerous speaking engagements and participated in community conferences, workshops and seminars. Approximately 40,000 human rights pamphlets have been distributed. In 1988, the Commission set up displays and helped regional and university libraries do the same (12 in all) to mark the fortieth anniversary of the Universal Declaration of Human Rights.

Paragraph 112

72. In 1988, the Public Legal Education Society of Nova Scotia produced a casebook entitled Teaching Human Rights: A Casebook for Senior High Teachers. Copies of this casebook have been distributed to all high schools of Nova Scotia to be used as resource materials on human rights. Copies of the casebook are also being sold across Canada.

Paragraph 113

73. Beginning in 1987 and completed in June 1989, the Department of Education field-tested the human rights teaching units developed by the Canadian Human Rights Foundation for elementary schools.

ONTARIO

Paragraph 116: Ontario policy on race relations

74. As a mechanism for the co-ordinated implementation of the Ontario policy on race relations, the Government of Ontario approved a proposal to require relevant ministries to develop race relations action plans on an annual basis.

75. The Ministry of the Attorney General conducted a race relations review of the policies and operations of the Ministry as provider of justice services to the public. The Ministry has adopted corporate objectives addressing race relations priorities and is implementing other race relations initiatives, including community consultation around the race relations review, extending the review to Ministry agencies, boards and commissions, race relations training for managers, and a research design to examine the issue of racism in the courts.

76. The Ministry of Community and Social Services is reviewing all policy development and programme delivery approaches to ensure that they reflect the intent of the Government's multicultural strategy and the race relations policy.

77. In December 1988, the Ministry of the Solicitor General commissioned a Task Force on Race Relations and Policing in response to the police shooting of a black youth. The Task Force submitted its report in April 1989 and made a number of recommendations. The Government issued its response in November 1989 and announced that it planned to include mandatory employment equity provisions in the Police Act, to increase the emphasis on community oriented policing, and to implement additional training for race relations and the use of force.

Paragraph 118: Task Force on Access to Professions and Trades in Ontario

78. The Task Force on Access to Professions and Trades in Ontario, appointed to examine barriers to entry into the professions and trades experienced by individuals who obtained their qualifications outside Canada, submitted its report in November 1989. The Task Force identified systemic barriers to access at many stages, and found that Ontario's professions lacked consistent methods for fairly assessing the prior knowledge of persons trained outside the province.

79. The Ministry of Citizenship is co-ordinating the Government's response to the Task Force report.

Article 2

Paragraphs 121-123: Second Decade to Combat Racism and Racial Discrimination

80. In the context of the Second Decade, the Government of Ontario participated in activities to mark the International Day for the Elimination of Racial Discrimination on 21 March 1989. At an event held by the Urban Alliance on Race Relations, a representative of the Minister of Citizenship announced grants totalling $100,000 for five race-relations projects.

81. The Race Relations Directorate of the Ministry of Citizenship provides a broad range of consultative and support services to groups and individuals wishing to address race relations issues in their respective jurisdictions. The Directorate provides seven services: policy and programme development; race relations training; community liaison and development; public education; dispute resolution; employment equity; and race relations project grants.

Paragraphs 124-126

82. The Ontario Women's Directorate continues to include concerns for visible minority and immigrant women as well as for multiculturalism in its programming. Among other things, the Directorate, in co-operation with various provincial departments, sponsored a pilot labour adjustment project for immigrant women, a multicultural public education project on workplace rights and responsibilities, a pilot programme for ethnocultural entrepreneurs, multicultural family law seminars, and a series of informational workshops for immigrant and visible minority women. The Directorate published a practical handbook for employers on implementing employment equity initiatives for visible minority women.

Paragraph 130: Employment equity

83. Ten-year employment equity corporate goals and timetables were developed and approved in September 1989 to ensure that the composition of the Ontario Public Service better reflected the diversity of the Ontario population. Each Ministry of the Ontario Government will identify and work on an employment equity programme for a three-year planning cycle effective for the period 1990-1993.

84. A symposium on the theme of managing and valuing diversity in the work-force was held in June 1989 for all senior management employees. Similar

workshops are being held in each ministry to assist employees to understand the diversity within their work-force as well as the diversity of the public whom they serve. Racial minorities are a key focus in these discussions.

Paragraph 133

85. In addition to multiculturalism, citizenship, race relations and human rights, the Ministry of Citizenship is responsible for provision of economic development services to Aboriginal people. The Ministry also chairs and provides support to the Cabinet Committee on Race Relations.

Article 3

Paragraph 137: South African Trust Investments Act

86. The South African Trust Investments Act, 1988, which allows trustees to divest trust funds of investments connected to South Africa, was proclaimed in force on 15 December 1988.

Article 4

87. The Ministry of Citizenship provides advice and assistance in the amelioration of tensions caused by hate literature and propaganda. For example, the Ministry played a co-ordinating role in response to instances of hate propaganda which emerged in the summer of 1989, assisting Government, institutions and community to respond appropriately and to develop mechanisms to deter future hate activities.

88. In 1990, the Ontario Human Rights Commission will release its new guidelines regarding racial slurs, jokes and harassment, which will set out the Commission's interpretation of the Human Rights Code on this form of discrimination.

Article 6

89. The Ontario Human Rights Code, 1981, prohibits discrimination in the areas of services, goods and facilities, accommodation and employment on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship or creed, among other things.

QUEBEC

90. This report sets out the measures taken by Quebec to implement the Convention between July 1987 and September 1989.

91. The following new data update the information on the immigration situation in Quebec provided in paragraphs 159 and 160 of the ninth report: a total of 26,822 immigrants were admitted to Quebec in 1987, 46 per cent from Asia, 12 per cent from the West Indies, 11 per cent from Latin America and 10 per cent from Africa. In 1988, there were 25,420 immigrants. Of these, 48 per cent came from Asia, 11 per cent from Africa, 9.7 per cent from the West Indies and 7.7 per cent from Latin America.

92. In fulfilling its mandate, the Conseil des Communautés culturelles et de l'Immigration (see para. 158 of the ninth report) issued a number of formal opinions in 1987 and 1988, one of which dealt with immigration levels in Quebec. It proposed that the 1987 immigration level be raised to 20,000 permanent residents and that this figure be increased by 20 per cent in the subsequent two years.

93. In addition, during 1987-1988, the Council presented formal opinions concerning affirmative action programmes, including one recommending that the action plan for the affirmative action employment programme for women include a provision to ensure representation of women from cultural communities, and one on affirmative action programmes for cultural communities, especially visible minorities and groups from Southern Europe.

94. In this regard, the Council pointed out that the members of cultural communities were still vastly underrepresented in the Quebec civil service. According to data from the Office des ressources humaines, which includes members of the Anglophone community, members of cultural communities constituted at the time 4.3 per cent of the entire workforce of the civil service - that is, 2,344 out of 54,386 - although they made up some 18 per cent of the total population. Underrepresentation of visible minorities and groups from Southern Europe is particularly evident.

Article 2

Examination of laws and regulations

95. An Act respecting police organization and amending the Police Act and various legislation was assented to on 23 December 1988. Among other things, it makes provision for a code of ethics applicable to all police officers in Quebec, a police ethics commissioner to receive and examine complaints, ethics committees, a predominant role for civilians in handling complaints within regional structures, training mechanisms for police officers, and an ethics tribunal (Tribunal de la déontologie policière) to serve as an appeal tribunal.

Special measures to ensure the development and protection of certain groups

96. On 23 September 1987, the Government of Quebec adopted the principle of contractual obligation, requiring companies, associations and organizations that submit tenders to supply goods or services, or that apply for government subsidies, to establish affirmative action programmes for women, visible minorities and native people (see para. 163 of the ninth report).

97. The penalty for companies that do not meet their commitment is loss of certification and ineligibility to tender for future contracts.

98. Implementation of this contractual obligation has occurred gradually. The measures relating to service contracts came into force on 17 November 1988, while those pertaining to subsidies and goods contracts came into effect on 6 and 21 April 1989. The Human Rights Commission advises departments on these questions and ensures that companies meet their commitments.

99. An advisory committee on the accessibility of health and social services to cultural communities was established in June 1986 on the initiative of the

Minister of Health and Social Services. Chaired by a member of the National Assembly, this Committee released its report in November 1987. It recommends, among other things, that the Department ensure that institutions have adequate means to communicate in the language and understand the culture of cultural communities, and that cultural communities be represented on their boards.

100. Financial assistance measures to facilitate the reception and settling of immigrants in Quebec and their adaptation to Quebec life were continued in 1987, 1988 and 1989 (see paras. 164 to 171 of the ninth report). Annual budgets of $2,645,500, $3,117,561 and $3,649,500 respectively were allocated for the following activities in particular: reception and adaptation of immigrants; assistance for the francization of immigrants; activities to support the original cultures of immigrants, including assistance for the cultural communities' media; activities to bring people together, including assistance for intercultural activities and organizations that bring various communities together; and assistance for women's organizations.

101. Following the declaration by the Government of Quebec on ethnic and race relations of 10 December 1986, and inspired by the latter, the Municipal Administration of Montreal published on 21 March 1989 an important document entitled "Montreal Declaration Against Racial Discrimination" (see annex II below). Through this Declaration, the Municipal Administration is committed, in particular, to opposing all forms of racial discrimination and to promoting full access and participation for all its citizens, regardless of their race, colour, religion and ethnic or national origin, in all spheres of municipal life.

Article 6

Information on the practices and decisions of the courts and other judicial and administrative organs relating to cases of racial discrimination

102. Following the death of a member of a Montreal cultural community involving a police officer from that city, the Quebec Government ordered an inquiry into relations between police forces and visible and ethnic minorities. The inquiry was carried out by the Human Rights Commission, which released the results in November 1988. It dealt particularly with allegations of discriminatory treatment and racist behaviour towards visible and ethnic minorities in the police forces. The 71 recommendations made in the report ask the Quebec Government to correct situations and practices which have discriminatory effects and to establish measures to encourage the development of harmonious relations between police forces and the Montreal population based on respect for human rights.

103. Of a total of 1,402 cases dealt with by the Human Rights Commission in 1987 and 1988, complaints alleging discrimination on the basis of race, colour and ethnic or national origin constituted 10 per cent and 12 per cent of this figure.

104. With regard to court decisions, in the case of a Quebecker of Haitian origin, the Human Rights Commission brought a charge of racial discrimination against the Communauté urbaine de Montreal and nine of its police officers. The Superior Court granted moral damages for racist language, but dismissed, as did the Court of Appeal, the Commission's claims that race had played a

role in the assault on this individual. The Supreme Court did not find sufficient cause to authorize the Commission to appeal the judgement before that tribunal.

Article 7

Education and teaching

105. The Human Rights Commission published, in February 1988, Sharing a Better Life Together Through Human Rights, a new guide to the Quebec Charter of Human Rights and Freedoms for young people in the school system. This book will be the basic reference tool for the human rights education programme.

106. In November 1987, the first national colloquium of the Association for Intercultural Education in Quebec took place in Montreal. The theme was "Quebec schools say YES to intercultural education"; the colloquium was aimed primarily at teaching staff.

107. A crucial aspect of the intercultural issue is teacher training, and some of the initiatives in this area should be mentioned: an intercultural education programme, leading to a certificate, given since the winter 1988 at the University of Quebec at Montreal, and a training programme in intercultural education research offered at the University of Sherbrooke.

Culture

108. In 1987 and 1988, the Conseil des Communautés culturelles et de l'Immigration awarded its prize, worth $15,000, to three members of as many cultural communities for their exceptional contribution to the rapprochement of their community to the Quebec francophone community.

Information

109. As a result of the formal opinion presented by the Conseil des Communautés culturelles et de l'Immigration in January 1987 concerning cultural communities and communications (see para. 185 of the ninth report), the Minister entrusted the Council with a mandate to study the problem of financing the cultural communities' media.

110. Among the measures taken by the Department of Cultural Communities and Immigration in this area was the allocation of a total of $227,000 for 1987, 1988 and 1989 under the programme to assist the cultural communities' media.

SASKATCHEWAN

111. Saskatchewan's submission to Canada's tenth report under the Convention will update to November 1988 the information contained in the eighth and ninth reports.

Multicultural policy and programmes

112. A Task Force on Multiculturalism was appointed by the Saskatchewan Government in July 1988 to review all aspects of multiculturalism in Saskatchewan, including the related topics of immigration and settlement. The

Task Force held public hearings throughout the province and released its report in September 1989. The report contains 67 recommendations relating to such areas as education, heritage languages, racism and discrimination, Aboriginal concerns, immigration, employment, media, and facilities.

113. More details of the report itself and follow-up will be included in Saskatchewan's next report.

Language

114. Under the Heritage Languages Programme, the Saskatchewan Department of Education designs and delivers German and Ukrainian language programmes. Other heritage languages for consideration under this programme are being explored. In 1988/89, a Heritage Languages Unit was established within the Curriculum and Instruction Division. A consultant was hired to provide educational support to school divisions and community programmes.

Education

115. The Department of Education has developed an Indian and Métis policy from kindergarten to grade 12. This major policy document provides a comprehensive framework for the educational development of Indian and Métis children in provincial schools and provides guidelines for the development and delivery of all programmes for schools and post-secondary institutions.

116. Courses in Native studies at the secondary school level are being piloted in selected locations throughout the province. To ensure incorporation of Native content in other areas of core curriculum, the Department has engaged curriculum support staff to work with curriculum developers in language arts, social studies, arts, education, health and science.

117. The Department of Education has initiated a community schools programme, which provides funding and specialized programmes to 17 inner city schools with high Indian and Métis enrolments. The objective of the programme is to improve Indian and Métis student achievement by facilitating community involvement in educational planning and programmes. Evaluation of this programme has demonstrated improved student retention and attendance.

118. With respect to post-secondary education, increased emphasis has been placed on involving people of Native ancestry in decision-making related to publicly funded vocational and technical training institutions. A Native Services Division was created in 1988, designed to enhance programme delivery and student participation in the province's technical institutes. The Division has responsibility for seeking out and involving Aboriginal groups across the province in the decision-making process.

Health

119. Annual funding in the amount of $1.5 million is provided by the Saskatchewan Alcohol and Drug Abuse Commission to the Saskatchewan Native Addiction Council Corporation to provide in-patient, out-patient and educational services to Indian and Métis people experiencing drug abuse problems. Fourteen northern communities receive $180,000 to employ Indian and Métis community health workers to assist health care practitioners in

providing medical, public health and counselling services to Aboriginal communities. The Regina General Hospital receives annual funding of $103,000 to employ three Native staff for the Indian and Native Children Liaison programme which provides liaison, educational and cultural interpretive services for Indian and Métis children who use hospital services.

Human justice

120. As of 20 March 1989, 9 per cent of the persons occupying positions in the Corrections Division of the Department of Justice were of Native ancestry. Recruitment of qualified Native personnel will continue to be an area given special attention. The Corrections Division has, with the support of the community, developed or facilitated programmes specifically for inmates of Indian ancestry and for staff to promote and maintain Native cultural awareness.

Note

1/ Official Records of the General Assembly, Forty-third Session, Supplement No. 18, p. 6, para. 24 (c).

Annex I

PROCLAMATION

THE INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION
21 MARCH

WHEREAS the Government of Nova Scotia has a longstanding commitment to the development of a society in which all persons regardless of race, colour, national and ethnic origin, religion or creed, sex, age or disability could work and live in peace, harmony and mutual respect;

WHEREAS all residents of Nova Scotia have the right to equal treatment, opportunity, respect and understanding;

WHEREAS the elimination of racism and racial discrimination is essential in the promotion of equality for all Nova Scotians;

WHEREAS the General Assembly of the United Nations has designated 21'March as the International Day for the Elimination of Racial Discrimination;

WHEREAS the Government of Nova Scotia had made a proclamation recognizing the United Nations Second Decade for Action to Combat Racism and Racial Discrimination;

NOW, THEREFORE, I, John M. Buchanan, PC., Q.C., Premier of Nova Scotia, do hereby proclaim 21 March as the International Day for the Elimination of Racial Discrimination; and urge all Nova Scotians to make it their moral and social responsibility to eliminate all forms of racism and racial discrimination in their dealings with one another;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Province of Nova Scotia to be affixed at Halifax on this twenty-first day of March 1989.

Annex II

MONTREAL DECLARATION AGAINST RACIAL DISCRIMINATION

The Municipal Administration recognizes the importance of the multiracial and multi-ethnic character of Montreal.

Whereas The Universal Declaration of Human Rights and the International Conventions on Human Rights establish the principles of non-discrimination and equality;

Acknowledging that Canada is a signatory to the International Convention on the Elimination of Racial Discrimination and in March 1986, proclaimed the Second Decade for Action to Combat Racism and Racial Discrimination;

Considering that the Quebec Charter of Human Rights and Freedoms guarantees all persons full recognition and exercise of their rights and liberties;

Recognizing that the Government of Quebec, in adopting the Declaration on Ethnic and Racial Relations in December 1986, upholds these principles and condemns all forms of racism and racial discrimination;

Considering that the General Assembly of the United Nations has proclaimed 21 March the International Day for the Elimination of Racial Discrimination;

Determined to encourage all Montrealers to adopt an attitude of respect for human dignity and rights,

the Municipal Administration is committed:

- To take all necessary measures to combat discrimination based on race, colour, religion and ethnic or national origin and to promote harmonious interracial and intercultural relations in an atmosphere of mutual respect and understanding.

- To respect and demand respect for the principles found in the Quebec Charter of Human Rights and Freedoms in all municipal departments and paramunicipal organizations.

- To recognize and mark 21 March as the International Day for the Elimination of Racial Discrimination.

This day will be an annual opportunity to denounce racism and sensitize all Montrealers to the different manifestations of racial discrimination.

Through this Declaration, the Municipal Administration is committed to opposing all forms of racial discrimination and to promoting full access and participation for all its citizens, regardless of their race, colour, religion and ethnic or national origin, in all spheres of municipal life.

Moreover, the Municipal Administration asks all Montrealers to join its efforts to ensure respect for human dignity and rights.

Signed in Montreal, this twenty-first of March, nineteen-hundred and eighty-nine.

Annex III

List of documents submitted with the report */

1. The Law Society of B.C. et al. v. Andrews et al. - Judgement of the Supreme Court of Canada
2. Report on the observance of Human Rights Day, 10 December 1988
3. Canadian Multiculturalism Act
4. Alberta report on policing in a multicultural society
5. Alberta's report on the teaching of human rights
6. Discriminatory Business Practices Act - Manitoba
7. The Human Rights Code, 1988 - Newfoundland
8. Multiculturalism Act - Nova Scotia
9. South African Trust Investments Act, 1988 - Ontario

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*/ These documents are available for consultation by members of the Committee in the original language in the files of the secretariat.